## REMARKS

Claims 1-40 are pending in the application. Claims 1-40 were rejected. Claims 1, 10, 15-17, 19-20, 23-24, 26, 28-30, 32-33, and 39-40 are being amended. No new matter is being introduced.

The drawings have been amended as indicated by mark-ups in red in the attached informal drawings.

The specification has been amended to include the reference signs 230, 332, and 334 in the description as shown in Figs. 2 and 3 as originally filed.

Claims 19, 23, and 36 were objected to because of informalities. Claims 19 and 23 are being amended to address the informalities. Applicant has reviewed Claim 36 but does not believe correction is necessary because it does not contain the same language ("statistical data about a port at about the rate") as Claim 23.

Before responding to the specific rejections, Applicant believes that a brief discussion of the Applicant's claimed invention and the cited references may be useful.

According to the prior art statistics polling protocol 400 shown in FIG. 4 of the specification as originally filed, a system controller requests statistical data from a line card. The line card, in turn, retrieves the requested information from memory or other circuit and, in the meantime, may transmit a "null response" to the system controller. Thereafter, the system controller polls the line card which responds with the requested data if available at this time.

As discussed on page 6, lines 9-11 of the specification as originally filed, the problem with the "statistics polling protocol . . . is . . . the reactionary method for gathering the data." Applicant addresses this inefficiency by having the line card automatically pre-gather statistical data in a controlled manner in an information buffer associated with the line card. In this way, a subset of the statistical data in the information buffer is ready to be reported to the system controller when polled either for the statistical data or for some other reason.

In contrast, Tanaka et al. (U.S. Pat. No. 5,548,725) teach that after a slave device receives commands and data from a master device, the slave device automatically replies with a "status report" message describing the status of command processing by the slave device (col. 7, line 63-

col. 8, line 14). If processing does not terminate within a predetermined length of time after receipt of the command and data, the slave device automatically, but responsively, sends a status report associated with the command and data to the master device. Applicant's claimed invention, on the other hand, automatically pre-gathers statistical data in an information buffer.

Also in contrast to the Applicant's present invention, Naimpally et al. (U.S. Pat. No. 5,650,825) teach the merging of two unidirectional data streams at high speed. Merging the data streams includes removing "stuffing" bytes used to maintain constant bit rate video and using the additional bandwidth to transmit private data. Thus, Naimpally et al. do not suggest automatically pre-gathering statistical data in an information buffer.

Referring now to the specific rejections of the Office Action at hand, Claims 1-38 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Tanaka et al. and Naimpally et al. in view of Applicant's admitted prior art. However, the Applicant's admitted prior art does not teach, suggest, or provide motivation for independent Claims 1, 10, 19, 20, 26, 32, and 33 as now amended ("automatically pre-gathering the statistical data in an information buffer"). Accordingly, Applicant believes that independent Claims 1, 10, 19, 20, 26, 32, and 33 are non-obvious. Thus, Applicant respectfully submits that the rejections under 35 U.S.C. § 103(a) in view of Tanaka et al., Naimpally et al., and admitted prior art should be withdrawn.

Because Claims 2-9 depend from Claim 1, Claims 11-18 depend from Claim 10, Claims 21-25 depend from Claim 20, Claims 27-31 depend from Claim 26, and Claims 34-38 depend from Claim 33, these claims should be allowable for at least the same reasons discussed above.

Claims 39 and 40 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Applicant's disclosed prior art in view of Naimpally et al. The Applicant's admitted prior art does not teach, suggest, or provide motivation for Claim 39 ("a system . . . comprising: . . . at least one element in the system . . . automatically pre-gathering the data"). Accordingly, in combination with Naimpally et al., Applicant believes that Claim 39 is non-obvious. Thus, Applicant respectfully submits that this rejection under 35 U.S.C. § 103(a) in view of Naimpally et al. and admitted prior art should be withdrawn.

For reasons discussed above, Applicant respectfully submits that Naimpally et el. in view of well known prior art do not teach, suggest, or provide motivation for Claim 40 ("a method . . .

comprising: . . . automatically pre-gathering substantive data"). Accordingly, Applicant respectfully submits that this rejection under 35 U.S.C. § 103(a) should be withdrawn.

## CONCLUSION

In view of the above amendments and remarks, it is believed that all claims (Claims 1-40) are in condition for allowance, and it is respectfully requested that the application be passed to issue. If the Examiner feels that a telephone conference would expedite prosecution of this case, the Examiner is invited to call the undersigned.

Respectfully submitted,

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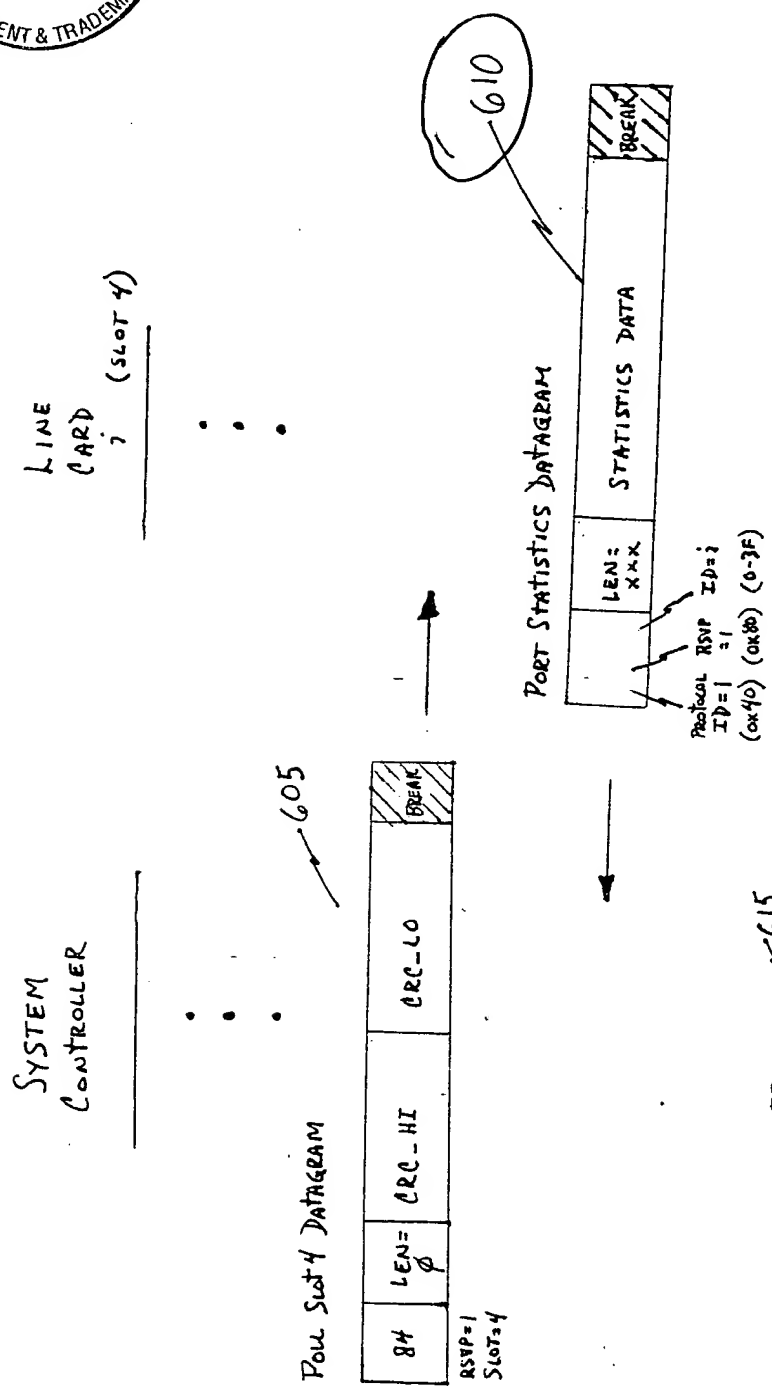


FIG. 6